#3

45

UNIVERSITY
OF MICHIGAN

SEP 4 1956

MAIN
READING ROOM

84th Congress
1st Session

COMMITTEE PRINT

STATISTICS ON FEDERAL ANTITRUST ACTIVITIES

STAFF REPORT

TO THE

SELECT COMMITTEE ON SMALL BUSINESS
HOUSE OF REPRESENTATIVES

ON

THE RECORD OF FEDERAL ANTITRUST ACTIVITIES

EIGHTY-FOURTH CONGRESS

FIRST SESSION

PURSUANT TO

H. Res. 114

A RESOLUTION CREATING A SELECT COMMITTEE TO CONDUCT A STUDY AND INVESTIGATION OF THE PROBLEMS OF SMALL BUSINESS

Printed for the use of the Select Committee on Small Business

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1956

82107

SELECT COMMITTEE ON SMALL BUSINESS

WRIGHT PATMAN, Texas, *Chairman*

JOE L. EVINS, Tennessee
ABRAHAM J. MULTER, New York
SIDNEY R. YATES, Illinois
TOM STEED, Oklahoma
JAMES ROOSEVELT, California

WILLIAM S. HILL, Colorado
R. WALTER RIEHLMAN, New York
HORACE SEELY-BROWN, Jr., Connecticut
WILLIAM M. McCULLOCH, Ohio
TIMOTHY P. SHEEHAN, Illinois

EVERETTE MACINTYRE, *Staff Director and General Counsel*
WM. SUMMERS JOHNSON, *Assistant Director and Chief Economist*
MARIE M. STEWART, *Clerk*
JANE M. DEEM, *Administrative Assistant*
EUNICE V. HUTTON, *Research Analyst*

LETTER OF TRANSMITTAL

OCTOBER 31, 1955.

Hon. WRIGHT PATMAN,
Chairman, Select Committee on Small Business,
House of Representatives, Washington, D. C.

DEAR MR. PATMAN: Transmitted herewith is a report on the Record of Federal Antitrust Activities. This study has been made at your request.

In addition to the acknowledgment that I wish to make for the valuable assistance rendered by all members of our staff in the preparation of this work, I wish to gratefully acknowledge the especially valuable work performed by Miss Eunice V. Hutton in the research and compilation of this information.

Sincerely yours,

EVERETTE MACINTYRE,
Staff Director.

CONTENTS

	Page
I. Appropriations and expenditures for antimonopoly law enforcement by the Antitrust Division of the Department of Justice and the Federal Trade Commission for the entire period of time for which statistics are available	1
II. A record of the total number of the charges of antimonopoly law violations filed and disposed of by the Antitrust Division of the Department of Justice and the Federal Trade Commission since those agencies were established	3
III. The record of the total number of antitrust cases filed in Federal courts for each year during the 5-year period ending June 30, 1955, by the Government and by private parties	6

STATISTICS ON FEDERAL ANTITRUST ACTIVITIES

I. Appropriations and Expenditures for Antimonopoly Law Enforcement by the Antitrust Division of the Department of Justice and the Federal Trade Commission for the Entire Period of Time for Which Statistics Are Available

A. ANTITRUST DIVISION, DEPARTMENT OF JUSTICE

Total	Total appropriation	Total expenditures	Fiscal year	Total appropriation	Total expenditures
1904			1931	$204, 160. 00	$192, 231. 00
1905	$500, 000. 00		1932	224, 160. 00	171, 427. 00
1906			1933	150, 000. 00	142, 038. 00
1907			1934	278, 633. 00	164, 917. 00
1908	250, 000. 00		1935	414, 700. 00	375, 573. 00
1909	250, 000. 00		1936	435, 000. 00	427, 502. 00
1910	100, 000. 00		1937	435, 000. 00	412, 302. 00
1911	202, 358. 58		1938	413, 894. 00	413, 894. 00
1912	262, 581. 52		1939	780, 060. 00	788, 753. 00
1913	279, 877. 13		1940	1, 309, 000. 00	1, 395, 742. 00
1914	300, 000. 00	$269, 064. 38	1941	1, 323, 800. 00	1, 437, 663. 00
1915	300, 000. 00	232, 670. 22	1942	2, 325, 000. 00	2, 024, 218. 00
1916	300, 000. 00	175, 859. 65	1943	1, 800, 000. 00	1, 488, 410. 00
1917	250, 000. 00	149, 106. 85	1944	1, 760, 000. 00	1, 427, 467. 00
1918	200, 000. 00	104, 807. 90	1945	1, 540, 000. 00	1, 546, 338. 00
1919	100, 000. 00	81, 017. 20	1946	1, 875, 000. 00	1, 889, 838. 00
1920	300, 000. 00	126, 626. 00	1947	2, 089, 000. 00	2, 086, 485. 00
1921	100, 000. 00	147, 038. 59	1948	2, 400, 000. 00	2, 400, 000. 00
1922	100, 000. 00	179, 596. 69	1949	3, 571, 700. 00	3, 619, 515. 00
1923	225, 000. 00	183, 692. 35	1950	3, 799, 900. 00	3, 864, 938. 00
1924	200, 000. 00	194, 464. 73	1951	3, 750, 000. 00	3, 620, 828. 00
1925	203, 930. 00	195, 568. 34	1952	3, 420, 000. 00	3, 377, 384. 00
1926	228, 000. 00	216, 075. 89	1953	3, 500, 000. 00	3, 181, 696. 00
1927	200, 000. 00	194, 300. 00	1954	3, 500, 000. 00	3, 073, 355. 00
1928	198, 000. 00	181, 269. 11	1955	3, 100, 000. 00	3, 156, 614. 00
1929	203, 660. 00	176, 988. 00			
1930	203, 600. 00	146, 720. 00	Total	49, 856, 014. 23	47, 478, 811. 13

Appropriations include deficiency and supplemental appropriations. The amounts shown as expenditures include not only appropriations for the specific purpose but also transfers of funds from contingent expenses and funds for other purposes.

B. ANTIMONOPOLY WORK, FEDERAL TRADE COMMISSION

Fiscal year	Total appropriation	Total expenditures	Expenditures for antimonopoly work	Percent of total FTC expenditures used on antimonopoly case work
1915	$196,402.99	$99,946.21	[1] $17,740.45	17.75
1916	445,964.08	394,924.96	[1] 70,099.18	17.75
1917	567,025.92	472,501.20	[1] 83,868.96	17.75
1918	1,608,865.92	1,423,394.25	[1] 252,652.48	17.75
1919	1,708,556.39	1,506,571.60	[1] 267,416.46	17.75
1920	1,234,936.39	1,035,942.27	[1] 183,879.75	17.75
1921	975,792.50	880,173.80	[1] 156,230.85	17.75
1922	975,307.18	900,921.97	[1] 159,913.65	17.75
1923	974,480.32	970,753.28	[1] 172,308.71	17.75
1924	1,010,000.00	979,440.18	[1] 173,850.63	17.75
1925	1,010,000.00	1,007,948.51	[1] 178,910.86	17.75
1926	1,008,000.00	994,957.02	[1] 176,604.87	17.75
1927	997,000.00	960,881.99	[1] 170,556.55	17.75
1928	984,350.00	968,465.15	[1] 171,902.56	17.75
1929	1,163,192.52	1,159,299.16	[1] 169,313.79	17.75
1930	1,476,335.40	1,465,447.75	[1] 205,290.02	17.75
1931	1,972,716.54	1,848,262.08	[1] 268,985.06	17.75
1932	1,838,097.19	1,779,484.60	[1] 244,579.02	17.75
1933	1,451,714.70	1,398,973.14	[1] 186,460.86	17.75
1934	1,314,013.49	1,313,856.38	[1] 199,000.00	19.2
1935	2,097,398.01	1,956,313.34	[1] 267,000.00	16.3
1936	2,035,465.58	1,821,725.81	[1] 451,000.00	30.0
1937	1,938,925.89	1,894,027.77	[1] 465,000.00	24.6
1938	1,996,000.00	1,941,519.47	[1] 542,000.00	27.9
1939	2,236,795.00	2,197,174.40	[1] 649,000.00	29.5
1940	2,345,500.00	2,274,889.07	[1] 607,000.00	26.7
1941	2,300,000.00	2,226,256.24	[1] 642,000.00	28.8
1942	2,433,822.00	2,338,921.13	[1] 509,000.00	21.8
1943	2,287,955.00	2,132,993.84	[1] 563,000.00	26.4
1944	2,083,050.00	1,957,155.95	[1] 500,000.00	25.5
1945	2,016,070.00	1,997,547.03	[1] 498,000.00	24.9
1946	2,173,833.00	2,151,449.65	[1] 599,000.00	27.8
1947	2,975,120.00	2,860,719.99	[2] 796,700.00	27.8
1948	2,970,596.92	2,948,500.94	[2] 941,091.00	31.9
1949	3,621,035.00	3,581,967.75	[2] 1,389,515.00	36.0
1950	3,723,000.00	3,715,057.88	[2] 1,400,000.00	37.7
1951	3,891,695.00	3,767,482.95	[2] 1,298,713.00	34.5
1952	4,314,400.00	4,306,917.00	[2] 1,693,806.00	39.3
1953	4,178,800.00	4,172,166.79	[2] 1,711,218.00	41.0
1954	4,053,800.00	4,045,966.21	[2] 1,545,397.00	38.2
1955	4,129,000.00	4,126,280.00	[2] 1,554,772.00	37.7
Total	82,715,012.93		22,132,776.71	

[1] Estimated.
[2] Actual.

Source: FTC annual reports and other information secured from FTC. Total appropriations and expenditures include those for printing and binding.

NOTE.—(*a*) In order to arrive at an estimate of the total amount spent each year on antimonopoly casework during the period 1915-33, there has been deducted from the total expenditures for the Commission the amount expended in the conduct of its public utilities investigation for each year when its expenditures on that investigation were substantial and then a figure of 17.75 percent of the remainder was computed as the estimated amount that was spent on antimonopoly casework. The reason for resorting to an estimate is the unavailability of figures on actual expenditures for antimonopoly casework, and the reason for using the stated method for arriving at that estimate is the fact that for the years during the period it was in progress the public utilities investigation required the use of special appropriations which at times amounted to as much as 25 percent of the total appropriations available to the Commission for all of its work. Moreover, it appears from information available to the committee that during the years immediately succeeding the public utilities investigation the amount of funds expended by the Commission on antimonopoly casework amounted to approximately 17.75 percent of the total funds expended by it.

(*b*) The expenditures for antimonopoly casework for each year during the period 1934–46 have been arrived at by taking a figure equal to 42 percent of the total expenditures made by the Commission on its legal casework during each of those years. According to information available to the committee the use of that percentage provided the best means of determining the amount expended by the Commission for antimonopoly casework during that period since the Commission did not keep its records showing expenditures separately for antimonopoly cases and antideceptive practice cases during that period.

II. A Record of the Total Number of the Charges of Antimonopoly Law Violations Filed and Disposed of by the Antitrust Division of the Department of Justice and the Federal Trade Commission Since Those Agencies Were Established

A. ANTITRUST DIVISION, DEPARTMENT OF JUSTICE, ANTIMONOPOLY CHARGES

Year	Charges filed								Disposition				
	Civil						Criminal		Won		Lost		Pending
	Sherman Act	Clayton Act					Robinson-Patman Act, sec. 3	Sherman Act	Civil	Criminal	Civil	Criminal	
		Sec. 2	Sec. 3	Sec. 7	Sec. 8	Sec. 15							
1890	1								1				
1891													
1892	2							3	1		1	3	
1893	1								1				
1894	3							1	1		2	1	
1895								1				1	
1896	3								2		1		
1897	2								1		1		
1898													
1899	1								1				
1900													
1901													
1902	3								3				
1903	1							1		1	1		
1904	1								1				
1905	4							1	2		2	1	
1906	3							11	3	3		8	
1907	4							7	3	3	1	4	
1908	2							6	1	3	1	3	
1909	1							2	1	1		1	
1910	7							9	5	5	2	4	
1911	14							10	10	6	4	4	
1912	13							9	9	3	4	6	
1913	19							6	13	2	6	4	
1914	3							8	3	6		2	
1915	1		1					5	2	4		1	
1916								2		2			
1917	7		[1]1	[1]1				16	6	6	1	10	
1918	7							3	7	1		2	
1919	3							1	2	1	1		
1920	8			[1]1				3	6	1	2	2	
1921	11							15	8	4	3	11	
1922	11		[1]1					11	9	7	2	4	
1923	7							3		1	7	2	
1924	12							3	7	2	5	1	
1925	6							8	3	7	3	1	
1926	8			{[1]2, 1}	[1]1			3	9	2		1	
1927	10	[1]1		1				3	11	3			
1928	14	[1]1			[1]1			7	12	1	2	6	
1929	6		[1]1	2				5	7	2	1	3	
1930	9							1	8		1	1	
1931	2							1	2	1			
1932	5		[1]1						3		2		
1933	2							9	2	5		4	
1934	5							4	3	2	2	2	
1935	2			{1, 1}	1			2	1	1	3	1	
1936	3							6	2	4	1	2	
1937	5							3	4	1	1	2	
1938	4			[1]1				9	3	3	1	6	
1939	13		[1]1					25	12	14	1	11	
1940	35	[1]2	[1]6	[1]1				57	30	35	4	23	
1941	33		[1]1	[1]4				72	30	61	3	11	
1942	29		[1]1	[1]1				45	27	27	2	18	
1943	8		[1]1					30	7	17	1	13	
1944	12							13	9	11	3	2	
1945	21	[1]1	[1]3	[1]1				4	17	4	4		
1946	33		[1]11			[1]7		10	29	8	3	2	1
1947	20		[1]4					13	14	9	4	4	2
1948	29		[1]7				[1]2	27	18	20	9	7	2
1949	19		[1]2	[1]2				16	15	14		2	4

See footnotes at end of table, p. 4.

A. ANTITRUST DIVISION, DEPARTMENT OF JUSTICE, ANTIMONOPOLY CHARGES—continued

Year	Charges filed								Disposition				
	Civil						Criminal		Won		Lost		Pending
	Sherman Act	Clayton Act					Robinson-Patman Act, sec. 3	Sherman Act	Civil	Criminal	Civil	Criminal	
		Sec. 2	Sec. 3	Sec. 7	Sec. 8	Sec. 15							
1950	30		[1] 5					30	18	24	4	5	9
1951	35	[1] 1	[1] 2					14	20	11	2	2	14
1952	20				4			12	7	10	6		13
1953	10							20	2	7		4	17
1954	24		[1] 2					11	9	5		3	18
1955 [2]	18		[1] 1	3		[1] 1		14	[3] 4				31
Total	625	[1] 6	1 [1] 51	8 [1] 15	5 [1] 2	[1] 8	[1] 2	611	447	371	110	211	111

[1] Covers charges under the Clayton Act and Robinson-Patman Act that supplement charges under the Sherman Act.

[2] The period covered for 1955 is the period from Jan 1 to June 30, inclusive.

[3] The 4 cases shown as having been disposed of in the period Jan. 1–June 30, 1955, include only those cases which were also filed during that period. Other cases which were terminated during that period were cases filed in prior years and their disposition is shown in the tabulation for such prior years because the Blue Book and its supplement listing of those cases note their disposition in scattered places according to the years in which they were filed. However, in order that this statement may provide an example of how that method of tabulating works out and also in order that this statement may show precisely what cases were terminated through the efforts of the Antitrust Division during the period Jan. 1–June 30, 1955, irrespective of the date of filing, the following cases are listed as having been terminated during the first 6 months of 1955:

The 4 cases filed in 1955 and disposed of in the 1st 6 months are the following:

Blue Book case No.	*Date of disposition*
1216	Mar. 1, 1955
1219	Mar. 18, 1955
1231	May 5, 1955
1240	June 21, 1955

The cases filed in prior years and terminated during the 1st 6 months of 1955 were the following:

Blue Book case No.:	*Date of disposition*
1083	Jan. 7, 1955
1112	Jan. 18, 1955
1171	Feb. 24, 1955
1154	Feb. 25, 1955
1155	Do.
1156	Do.
1157	Do.
1136	Feb. 28, 1955
1013	Mar. 7, 1955

Blue Book case No.—Con.	*Date of disposition*
1153	Mar. 7, 1955
1125	Mar. 15, 1955
1180	Mar. 16, 1955
1080	Mar. 29, 1955
1073	Apr. 7, 1955
1179	May 19, 1955
1204-A	June 1, 1955
1130	June 6, 1955
1143	June 10, 1955

B. FEDERAL TRADE COMMISSION ANTIMONOPOLY CHARGES

Set forth below is a tabulation of the totals of antimonopoly charges filed by the Federal Trade Commission under each section of the Clayton Antitrust Act and section 5 of the Federal Trade Commission Act, during the period of May 25, 1917, to September 30, 1955, inclusive.

The first of the antimonopoly charges filed was that in the matter of A. B. Dick Co., Docket No. 4, May 25, 1917, in which it was alleged that the respondent was entering into and using exclusive-dealing contracts in violation of section 3 of the Clayton Antitrust Act. That complaint resulted in the issuance of an order directing the A. B. Dick Co. to cease and desist from the use of such contracts.

	Orders to cease and desist issued	Charges dismissed	Total charges completed	Total charges filed
Sec. 5, Federal Trade Commission Act	221	210	431	463
Sec. 2 (a), Clayton Act	76	53	129	180
Sec. 2 (c), Clayton Act	109	4	113	152
Sec. 2 (d), Clayton Act	15	9	24	66
Sec. 2 (e), Clayton Act	5	3	8	48
Sec. 2 (f), Clayton Act	8		8	11
Sec. 3, Clayton Act	65	71	136	143
Sec. 7, Clayton Act	22	36	58	58
Total to July 15, 1949	521	386	907	1,121
Sec. 5, Federal Trade Commission Act	2	2	4	5
Sec. 2 (a), Clayton Act	4	35	39	12
Sec. 2 (c), Clayton Act	5	30	35	1
Sec. 2 (d), Clayton Act				1
Sec. 2 (e), Clayton Act		35	35	1
Sec. 2 (f), Clayton Act	2		2	4
Sec. 3, Clayton Act	2		2	3
Sec. 7, Clayton Act		1	1	
Sec. 8, Clayton Act				
Total to June 30, 1950	536	489	1,025	1,148
Sec. 5, Federal Trade Commission Act	[1] 38	11	49	38
Sec. 2 (a), Clayton Act	[1] 21	6	27	31
Sec. 2 (c), Clayton Act	13	1	14	9
Sec. 2 (d), Clayton Act	8	1	9	7
Sec. 2 (e), Clayton Act	2	7	9	2
Sec. 2 (f), Clayton Act	1		1	3
Sec. 3, Clayton Act	[2] 7	2	9	8
Sec. 7, Clayton Act				1
Sec. 8, Clayton Act		4	4	5
Total to June 30, 1953	626	521	1,147	1,252
Sec. 5, Federal Trade Commission Act	26	5	31	34
Sec. 2 (a), Clayton Act	18	6	24	16
Sed. 2 (c), Clayton Act	9		9	11
Sec. 2 (d), Clayton Act	8	1	9	5
Sec. 2 (e), Clayton Act	2		2	3
Sec. 2 (f), Clayton Act		4	4	
Sec. 3, Clayton Act	8	1	9	3
Sec. 7, Clayton Act				4
Sec. 8, Clayton Act		1	1	1
Total to June 30, 1955	697	539	1,236	1,320
Sec. 5, Federal Trade Commission Act	2		2	
Sec. 2 (a), Clayton Act				
Sec. 2 (c), Clayton Act	1		1	1
Sec. 2 (d), Clayton Act				
Sec. 2 (e), Clayton Act				
Sec. 2 (f), Clayton Act				
Sec. 3, Clayton Act	1		1	
Sec. 7, Clayton Act				
Sec. 8, Clayton Act				
Total to September 30, 1955	701	539	1,240	1,330

[1] 3 of these were not released to the public until July 10, 1953.
[2] 2 of these were not released to the public until July 10, 1953.

III. The Record of the Total Number of Antitrust Cases Filed in Federal Courts for Each Year During the 5-Year Period Ending June 30, 1955, by the Government and by Private Parties

FIVE-YEAR RECORD OF ALL ANTITRUST CASES FILED IN COURT

In accordance with information reported by and received from the Administrative Office of the United States Courts the number of antitrust cases filed each year during the 5-year period ending June 30, 1955, by the Government and by private parties was as follows:

	Year 1951	Year 1952	Year 1953	Year 1954	Year 1955	Pending
Government cases						[1] 114
Civil	37	20	16	21	33	[1] 81
Criminal	16	12	16	10	16	[1] 33
Private civil	209	261	212	163	209	[2] 506

[1] According to information received from the Department of Justice, Antitrust Division, cases filed by the Government pending as of July 15, 1955.

[2] According to information received from the Administrative Office of the United States Courts, private civil cases pending as of June 30, 1955.

○